



COMMENT DECISION MEMO FOREST-WIDE DEVELOPED SITE HAZARD TREE REMOVAL

**USDA Forest Service
Beaverhead-Deerlodge National Forest
Dillon, Butte, Jefferson, Madison, Pintler, Wisdom, and Wise River Ranger Districts**

BACKGROUND

Many trees on the Beaverhead-Deerlodge National Forest have been affected by insect infestation over the past 5 years; tree mortality as a result of this infestation is expected to continue into the near future. This infestation has created a large quantity of dead and dying trees in multiple tree species including but not limited to lodgepole pine and Douglas-fir. When dead and dying trees on the Forest occur in close proximity to areas that experience a high level of public use, the Forest Service has a responsibility to remove and or otherwise abate the hazard posed by the potential of the trees falling on people or infrastructure, particularly in areas where people congregate for extended periods of time such as developed recreation sites. The abatement of these hazardous trees is a high priority for the Forest.

While background levels of tree mortality are commonplace and expected within developed recreation sites, the degree of tree mortality associated with the insect infestations across the Forest is beyond levels that the Forest has experienced in recent memory. In more average tree mortality circumstances, hazard trees are generally abated on a tree-by-tree basis, usually requiring the removal of only a few trees at a time per developed site. This has typically been done by Forest personnel prior to opening the site for the operating season. However, due to the greatly increased level of tree mortality being experienced on the Forest, the quantity of hazard trees in need of removal now and in the near future is greater than that of the capacity of the Forest to accomplish using Forest personnel alone.

PURPOSE AND NEED

The purpose of this action is to provide for public safety within developed recreation sites while maintaining a high quality recreational experience. Developed recreation sites include campgrounds, trailheads, points of interest/overlooks, picnic/day use areas, interpretive sites, and Forest Service Permitted sites including, recreation residences, resorts, organizational camps, and ski areas.

This project is needed to ensure public safety by reducing the risk of persons or property being struck by falling trees, as required by Forest Service Manual 2332.11.

POTENTIAL DECISION

In order to reduce hazards to human health and safety, the Responsible Official is considering making a decision to remove dead, dying, and structurally unsound trees from within developed recreation sites across the Beaverhead-Deerlodge National Forest. Forest Service personnel would first perform a hazard tree analysis within each developed site to identify high-risk trees within 2-1/2 horizontal tree lengths, generally no more than 200 ft., from high risk areas within developed recreation sites. High risk areas are defined as places where people regularly congregate and where constructed features occur within the administrative boundary of the site. Areas within developed sites that are considered high risk and will be evaluated for hazard tree removal include:

- Roads and trails within the administrative boundary of the developed site
- Parking areas
- Signs/bulletin boards/kiosks
- Camping areas/tent sites/ picnic areas
- Restrooms/ water spigots
- Other constructed features within the administrative boundary of the site

Forest Service personnel and/or contractors would subsequently remove those trees identified as hazardous to people and infrastructure using a variety of treatment options depending upon the specific needs of the site.

Treatment options for removal of hazard trees within developed recreation sites are listed in Table 1 below.

Table 1. Treatment Options for Removal of Hazard Trees Within Developed Recreation Sites

Treatment Activity	Options for Treatment
Treatment of tree boles	<ol style="list-style-type: none"> 1) Fell trees and leave in place, limb boles and dispose of activity generated slash (see next Treatment Activity for description) 2) Fell trees, block boles into firewood, and provide for public use at developed sites with fire rings; limb boles and dispose of activity generated slash. Treat activity fuels (see next Treatment Activity for description) 3) Fell trees, remove boles, and treat activity fuels (see next Treatment Activity for description) 4) Whole-tree yard to landing 5) All landings shall be located outside of the administrative site boundary

Treatment Activity	Options for Treatment
Treatment of activity fuels/slash	<ol style="list-style-type: none"> 1) Burn activity-generated landing piles, or remove landing pile off-site and then burn when ground is frozen, snow-covered, or moist. 2) Small hand piles – Create piles with less than four inch material in a 4'x4' pile to reduce the footprint. Burn when ground is frozen, snow-covered, or moist. 3) Chipping - Less than two inches of chipped material would be spread out in areas where it does not affect accessibility. 4) Haul activity fuels/slash off-site
Treatment of stumps	<ol style="list-style-type: none"> 1) Low-cut all stumps to less than six inches in height 2) Additionally, within 10' of camping pads and site furniture: flush cut or grind stumps to below grade
For Treatments Using Mechanized Equipment Off Existing Roads Within Sites	<ol style="list-style-type: none"> 1) Heritage, recreation, and botany consultation required
For All Sites Within Riparian Conservation Areas (RCAs)	<ol style="list-style-type: none"> 1) Aquatics consultation required

In general, diligent efforts will be made to minimize ground disturbance so as to minimize impacts on resources, not the least of which is the recreation experience. No roads of any kind would be constructed. Depending upon the number of hazard trees that are identified at each site, skid trails and/or landing areas may be necessary to facilitate removal of felled hazardous tree material.

A team of Forest Service specialists will help to design each individual site treatment using the treatment options above and the specific design measures below so as to achieve a customized site treatment that maximizes sensitivity to all resources during implementation while accomplishing the purpose and need for the project.

There are approximately 250 developed recreation sites on the Forest. Prioritized treatment of the sites will be based on the results of hazard tree inspections at each of the sites and will occur over the life of this decision, with an average of approximately 10-30 sites treated per year.

Other Features Associated with this Decision Would Include:

Aquatics/Hydrology:

- Prior to any removal of hazard trees in RCAs, a biologist will determine whether Large Woody Debris (LWD) riparian management objectives (RMOs) are being met.
- If LWD RMOs are not being met, all or a percentage of the hazard trees felled in the RCA will be placed within the creek. Some hazard trees may be fallen toward the stream and left within the RCA for future recruitment into the stream.
- Prior to initiating hazard tree removal in RCAs, each site will be inventoried to see if breeding adults or concentrations of larval or juvenile western toads will be present during the activity. If so, the timing of

the activity will be postponed until after dispersal, or the procedures used will be designed to avoid direct mortalities to individuals which would place the population at risk.

- Within Fish Key Watersheds:
 - Motorized equipment (vehicles) will work only from existing roads within the RCA, unless a biologist and/or soils scientist determine that operational procedures and topographical features of the site will prevent measurable negative effects on WCT and/or bull trout streams from sediment delivery to the stream.
 - State of Montana Forestry BMPs will govern harvest operations in RCAs in addition to the design criteria delineated for this project.
 - If hauling or activities associated with hauling in Fish key watersheds is expected to have a measurable negative effect on bull trout or WCT streams, then:
 - A: Road work will be completed – prior to hauling – which eliminates or substantially reduces year-round sediment delivery to WCT and/or bull trout streams; and/or
 - B: Hazard trees will be fallen and left on site.
- Project related refueling or storage of fuels will not occur within the RCA, except for emergency situations, in which case refueling sites must have an approved spill containment plan.

Fuels:

- Standard fire prevention standards will be followed during implementation of the mechanical treatments to protect Forest Service and private land resources.

Heritage:

- Hazard trees that are within 50-100 feet of any religious or cultural site, archaeological sites, or historic properties or areas determined eligible for the National Register of Historic Places, will be felled by hand and left on site, or cut into firewood lengths and removed by hand. Activity fuels/slash less than four inches will be chipped, or alternatively can be removed from the site area and burned in small hand piles. Following these design features, potential adverse impacts to religious or cultural sites, archaeological sites, or historic properties or areas are not anticipated.
- During the course of project design or implementation the discovery of any previously unrecorded cultural/heritage resources shall cause project operations in the area of the discovery to cease until analysis and evaluation of the heritage resources are completed, including consultation with the Montana SHPO and appropriate Indian Tribes.

Recreation/ Scenery:

- Provide reasonable assurances for public safety during closures or operations affecting roads or recreation facilities. Post safety signing along FS roads while activities occur.
- Publish periods of activities in local newspapers to inform recreation users. Post information on Forest web page.
- Protect existing vegetation, with emphasis on aspen, willows, and shrubs, as well as Douglas fir, spruce, and live lodgepole pine of all sizes.
- Protect existing improvements, including signs and site furniture, from damage by falling, logging, or other operations.
- Recontour areas to pre-existing conditions where machine operation has resulted in displaced soils, such as berms.

- Avoid creating unnatural patterns by meandering skid trails and, where openings are created, mimicking the form of natural openings. Tie into existing openings where possible.
- Retain leave trees in clumps or groups which mimic natural patterns where possible.
- Retain the largest, best-formed live trees, when live trees need to be removed to remove dead and dying hazard trees.
- Develop a Vegetation Management Plan for each site within 1 year of treatment. This plan would assess the need to plant, or otherwise manage the residual shrub and trees to best enhance the recreational experience by mitigating impacts to user screening and privacy.

Sensitive Plants:

- If use of mechanized equipment off of existing roadways, or other treatments resulting in potential ground disturbance, are used to remove hazard trees, the site will require an intensive sensitive plant survey and biological evaluation prior to the authorization of a contract or the commencement of ground disturbing activities.
- Hazard trees that are within 50 feet of any sensitive plant occurrence will be felled by hand and left on site, or cut into firewood lengths and removed by hand. Activity fuels/slash < 4" will be chipped, or alternatively can be removed away from the plant occurrence and burned in small hand piles.

Soils:

- Ground based yarding shall not be allowed on slopes exceeding 35 percent without site-specific environmental analysis that shows damage is unlikely and soil goals and objectives can be met.
- Skid trails should be designated to minimize disturbance. Skid trails should be adequately drained in order to prevent overland water flow; slash should be placed on skid trails to prevent erosion and ATV use.
- Slash should be placed skid trails that will be left over the winter to reduce erosion potential during higher flows associated with the spring season.
- Constructed skid trails should be obliterated and revegetated with native vegetation.
- Landings needing rehabilitation should be revegetated with native seed and areas of compacted soil will be scarified prior to seeding.

Vegetation:

- Protect the live trees to the greatest extent possible during hazard tree removal operations. Evaluate remaining lodgepole pine to ensure their wind-firmness – critically assess trees damaged during hazard tree removal operations to ensure they are not susceptible to wind-throw. In addition, protect the understory tree and shrub species to enhance the opportunities to develop a new overstory in the recreation sites.

Noxious Weeds:

- Noxious weeds will be controlled following procedures in the Noxious Weed Control Program ROD (2002) for the Beaverhead-Deerlodge National Forest.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

An action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) if it is within one of the categories identified by the USDA in 7 CFR part 1b.3 or a category identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 Section 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

This project has been reviewed in accordance with FSH 1909.15. The interdisciplinary team responsible for identifying and documenting potential environmental effects of this action determined the project would fall within the category of exclusion 31.12, 5: repair and maintenance of recreation sites and facilities.

The interdisciplinary team reviewed the resource conditions listed in FSH 1909.1, 30.4 and other concerns applicable to this project to determine suitability for categorical exclusion. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on those resource conditions that determine whether extraordinary circumstances exist.

Specialist reports have not been finalized at the time the Comment Decision Memo became available for public comment. The following information provides preliminary findings and is presented here to assist reviewers in providing comments on the proposal. All specialist reports will be completed before the Responsible Official reaches a decision. The degree of the potential effect of the proposed action on the resource conditions will be disclosed in the Decision Memo.

RESOURCE CONDITION	APPLICABILITY TO PROJECT
Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.	Threatened or Endangered Species: There would be no effect to any federally listed species. Sensitive Species: May Impact individuals or habitat, but would not contribute to a trend towards federal listing or loss of viability to the population or species for black-backed woodpecker, flammulated owl, and fisher Possible short term disturbance for spotted bat and Townsends' big eared bat No Impact – all other Sensitive terrestrial, aquatic, and plant species
Floodplains, wetlands, or municipal watersheds	The aquatics specialist will determine if removal of trees will occur in RCAs after LWD requirements have been met. No negative impacts to the municipal watershed, floodplains, or wetlands are projected.
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	No negative impacts to any Congressionally designated areas are projected.

RESOURCE CONDITION	APPLICABILITY TO PROJECT
Inventoried Roadless Areas	There are no Inventoried Roadless Areas within the project area. No negative impacts to any inventoried roadless areas are projected.
Research Natural Areas	There are no Research Natural Areas within the project area. No negative impacts to any research natural areas are projected.
American Indians and Alaska Native religious or cultural sites Archaeological sites, or historic properties or areas	Hazard trees that are within 50-100 feet of any religious or cultural site, archaeological sites, or historic properties or areas determined eligible for the National Register of Historic Places, will be felled by hand and left on site, or cut into firewood lengths and removed by hand. Activity fuels/slash less than four inches will be chipped, or alternatively can be removed from the site area and burned in small hand piles. Following these design features, potential adverse impacts to religious or cultural sites, archaeological sites, or historic properties or areas are not anticipated.

By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). Preliminary analyses considered cumulative impacts from the proposed action coupled with past, present, and reasonably foreseeable actions. The interdisciplinary team analyzed cumulative effects at multiple spatial scales (project area, watershed, landscape, Forest-wide and regionally) that vary depending upon the specific resource.

Based on past experience, site-specific environmental analysis, and preliminary findings, it appears this project would have no significant effect on the human environment, individually or cumulatively, and may be categorically excluded from documentation in an EIS or EA. No extraordinary circumstances appear to exist that might cause this potential decision to significantly affect the environment.

SCOPING AND PUBLIC INVOLVEMENT

The proposal was listed in the January 2009 Schedule of Proposed Actions (SOPA) for the Beaverhead-Deerlodge National Forest.

FOREST PLAN DIRECTION

The National Forest Management Act (NFMA) requires the development of long-range land and resource management plans. The Beaverhead-Deerlodge National Forest Plan was approved in 2009 and provides guidance for all natural resource management activities on the Beaverhead-Deerlodge National Forest. NFMA also requires that all projects and activities be consistent with the plans. The decision is consistent with Forest Plan direction.

Forestwide Goals

Developed Sites: "High quality developed recreation facilities are strategically located to concentrate use, provide access to backcountry settings, and protect natural resources. Sites are clean, well maintained, and designed for universal accessibility" (FP, page 31).

"These goals, objectives and standards do not alter any legal or statutory rights such as mineral development or private lands access or reduce the need to provide public or employee safety" (FP, page 12).

OPPORTUNITY TO COMMENT

In a recent decision on the lawsuit *Earth Island Institute v. Ruthenbeck*, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as this one from public notice, comment and appeal. The Forest-Wide Developed Site Hazard Tree Removal project, is now subject to public notice, comment, and appeal pursuant to provisions at 36 CFR 215.5 and 215.6. This comment period is intended to provide those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision being made by the Responsible Official.

Please submit written comments to Beaverhead-Deerlodge National Forest, Sharon Sawyer, 420 Barrett Street, Dillon, MT 59725, by the close of the comment period as determined by the publication date of the legal notice in the *Montana Standard*. Electronic comments will also be accepted. The process for submitting electronic comments is outlined in the legal notice and the cover letter.

Comments received in response to this solicitation for the Forest-Wide Developed Site Hazard Tree Removal project, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA), permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied; the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 15 days.